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10/528,469

03/21/2005

David Dingwall

4292-101

4878

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01/24/2007

RICHARD A. COLLINS  
487 N.W. 48TH AVENUE  
DEERFIELD, FL 33442

EXAMINER

REESE, DAVID C

ART UNIT

PAPER NUMBER

3677

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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3 MONTHS

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/528,469

Applicant(s)

DINGWALL, DAVID

Examiner

David C. Reese

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 7-26 and 29-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-26 and 29-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

THIS NON-FINAL ACTION IS RESPONSIVE TO THE AMENDMENT FILED 10/31/2006.

- Claims 5-6 and 27-28 are canceled.
- Claims 41-43 were added.
- Claims 1, 7-8, 11-12, 14-16, 18-21, 25-26, 30, and 39 were amended.
- Claims 1-4, 7-26, and 29-43 are pending.

#### *Claim Rejections - 35 USC § 112*

- [1] The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- [2] Claims 1-4, 7-26, and 29-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In the instant set of claims, the examiner still maintains that certain subject matter in the above claims need to be better clarified and/or more distinctly claimed.

As for claim 1, since the retaining formation is an extension and in effect integral with the retaining element, the examiner recommends that the last paragraph of amended claim 1 should be changed to read as follows:

“wherein one of said components includes a retaining element, said retaining element comprising a formation, and

wherein the pin is configured for engagement with said formation when the pin is in the locked position...the pin also being configured such that said formation enters said slot as said pin is rotated from said free position to said locked position.”

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It is better in the instant case to introduce the whole (retaining member) first as opposed to a part (retaining formation) for better clarification in the instant claim as well as properly setting up for more potentially limiting aspects of the retaining member in the preceding dependent claims.

Continuing with claim 2, the term, “the extending of the pin from the first passage into the second passage” lacks proper antecedent basis as well as definiteness. It is apparent to the examiner that when the pin is inserted (not extended) into both passages (passages of which are in effect conjoined) disengagement is deterred.

If applicant adopts similar claim language as presented above in claim 1, the applicant may also want to consider, in claims 7-8, changing “the retaining formation” to “the retaining member formation”.

It appears as if “land areas” from claims 9-10 should simply be “land area”.

In Claim 11, “the first formation” lacks proper antecedent basis; and further, if applicant adopts similar claim language as presented above in claim 1, the applicant may also want to consider changing “the retaining formation” to “the retaining member formation”.

If applicant adopts similar claim language as presented above in claim 1, the applicant may also want to consider, in claims 12 and 14-15, changing “the retaining formation” to “the retaining member formation”.

In Claim 17, in view of above, may or may not be needed, but in either case, amendment to “a resilient element” may be necessary.

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If applicant adopts similar claim language as presented above in claim 1, the applicant may also want to consider, in claim 19, changing “the retaining formation” to “the retaining member formation”.

Further, in claim 20, the applicant may want to consider changing the claim to read as follows: “wherein the retaining member formation is resilient thereby allowing resilient movement of the formation of said retaining member against the pin” It is not the component that further includes resilient means, and further, the claim attempts to use too many terms utilizing the word resilient.

In claim 21, it is apparent to the examiner that the engagement element is another name for the formation extending from the retaining element, element of which in effect is the same as the elastomeric support, which in view of above has already been claimed. Thus, for better clarification, the examiner recommends that the applicant change the claim to read as follows: “wherein said retaining element is elastomeric”. Again “said component that includes” is not necessary, as the only limitation is regarding the retaining member. Further, “support” is not necessary since it is referring to the retaining element in general.

Thus, as for claim 22, consider, “wherein the retaining member defines a channel in which the formation is received”. And for claim 23 consider, “wherein the retaining member and formation are bonded to each other”.

The examiner has purely provided an example of how to better clearly and definitely claim the subject matter of the instant invention. Obviously, remaining claims should represent changes made in the former half of the claims. To reiterate, however, regardless of how claimed, it appears to the examiner that, in the instant invention, there is a retaining member, said

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retaining member is elastic and is provided with a channel in which an engagement element such as formation is received with said formation being configured for engagement with the pin, and via rotation of the pin, said assembly goes from a locked to unlocked position.

***Allowable Subject Matter***

[3] Claims 1-4, 7-26, and 29-43 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action. Reasons for allowance can be viewed in the most recent office action (7/31/2006).

***Conclusion***

[4] **THIS ACTION IS NON-FINAL**

[5] Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Reese whose telephone number is (571) 272-7082. The examiner can normally be reached on 7:30 am-6:00 pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached at (571) 272-7075. The fax number for the organization where this application or proceeding is assigned is the following: (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Reese  
Assistant Examiner  
Art Unit 3677

DCR



4/17/07



ROBERT J. SANDY  
PRIMARY EXAMINER